



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: September 5, 2012
Applicant: Brookfield Del Mar Builders, LLC
Case No.: PCC-12-022
Address: OR VLG 11 R-17B, Haven Model Homes Sales Office,
1810 Casa Morro Street
Project Planner: Caroline Young

Notice is hereby given that on September 5, 2012, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-12-022, filed by Brookfield Del Mar Builders, LLC ("Applicant"). The Applicant requests a CUP to establish five model homes, temporary sales office and parking. The Project is located at 1810 Casa Morro Street ("Project Site") and is owned by Brookfield Otay Ranch 17, LLC ("Property Owner"). The Project Site is zoned Planned Community (PC) with a General Plan designation of Residential Low Medium (RLM). The Project is more specifically described as follows:

The Project includes five model home plans with a temporary sales office within the living room of one of the model homes for the Haven Model Sales Office and a temporary parking lot and ADA accessible restroom available outside the sales office within Otay Ranch Neighborhood R17B area. The project is a condominium site for individual ownership. The site will also consist of several temporary signages for the sales office, model homes, and parking for customers.

The Development Services Department has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project was adequately covered in previously adopted Final EIR (EIR-01-02), for the Otay Ranch Village Eleven Sectional Planning Area (SPA) Plan. No further environmental review or documentation is necessary.

The Zoning Administrator, under the provisions of Section 19 14.030 A of the Chula Vista Municipal Code and the Otay Ranch SPA plan, has been able to make the conditional use permit findings as required by CVMC Section 19 14.080:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The temporary model home complex is desirable due to its proximity to Hunte Parkway. The model home complex will allow the applicant to provide sales

information to the general public regarding new homes for the Otay Ranch Planned Community.

2. **That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The project is conditioned to require the applicant to post a bond in the amount determined by the Zoning Administrator to be adequate to insure that the temporary sales office, parking lot, and restroom facility shall be removed at the completion of sale of all units. Thus, the model home complex and temporary parking lot will not be detrimental to the health, safety or general welfare in that it will provide sufficient on-street parking, and handicapped accessibility.

3. **That the use will comply with the regulations and conditions specified in the code for such use.**

The conditional approval of PCC-12-022 requires continuing compliance with all conditions, codes and regulations, as applicable, prior to the final issuance of any permit or occupancy of any facility on the site for the proposed project.

4. **That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The General Plan does not specifically address temporary type uses. Thus, the granting of this Conditional Use Permit is in substantial compliance with the Otay Ranch Plan and Chula Vista General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-12-022 as described above subject to the following conditions of approval:

- I. **Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:**

Planning Division

1. Prior to the approval by the City of Chula Vista for the use the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures

shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner

Date

2. Obtain a separate building permit or sign permit for the proposed signage and other applicable accessory structures for the model homes.
3. Provide one (1) \$1,000 faithful performance bond to ensure the removal of the parking lot and restroom prior to issuance of building permits. There is no specific format required for these bonds. When the sales office, temporary parking lot, and the temporary ADA accessible restroom is removed, the applicant shall submit a letter to the Development Services Department requesting release of the bonds.

Fire Department

4. The following shall be completed or installed prior to occupancy of the model homes and sales office:
 - a) Access, water supply and street signs are to be in place prior to opening the model home.
 - b) One fire extinguisher per model home with a minimum rating of a 2A-10:BC.

Land Development Division/Landscape Architecture

5. The Applicant shall comply with all applicable conditions of approval for Tentative Parcel Map No. 01-11.
6. Parking for model homes must be ADA compliant. Pedestrian ramps shall be constructed per ADA standards and approved by the City Engineer.
7. Temporary improvements, such as fence, asphalt ramps, and signs located in street right of way, city easements or city owned Open Space Lots will require an encroachment permit.

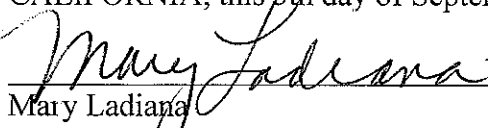
8. This project shall comply with all requirements of the Chula Vista Development Storm Water Manual (Storm Water Manual) for both construction and post-construction phases of the project. Prior to building permit approval, documentation shall be provided, to the satisfaction of the City Engineer, to demonstrate such compliance.
9. Prior to approval of building permit or grading permit, the Applicant shall provide a landscape plan subject to the approval of the City's Landscape Planner.

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. The Applicant shall maintain the Project in accordance with the approved plans for PCC-12-022, date stamped on March 24, 2012, which include a site plan and floor plans on file in the Planning Division, the conditions contained herein, and Title 19.
2. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
3. The Applicant shall execute this Conditional Use Permit as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
4. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
5. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
6. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so

implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 5th day of September 2012



Mary Ladiana
Zoning Administrator